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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERTO GARIBAY,

Defendant.

CASE NO. 2:24-CR-0067 DAD

STIPULATION REGARDING RESETTING OF
STATUS CONFERENCE AND EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: February 3, 2025
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

The United States of America, by and through Assistant United States Attorney Kerry Blackburn, together with Preciliano Martinez, counsel for defendant Alberto Garibay, hereby stipulate as follows:

1. The Indictment was returned on March 21, 2024, and the Honorable John A. Mendez assigned.
2. By previous order, on March 26, 2023, this matter was set for status on May 21, 2024, with an exclusion of time, under Local Code T4.
3. On April 17, 2024, the matter was reassigned to the Honorable Dale A. Drozd, the status conference was vacated, and the United States was directed to reschedule the status conference.
4. By previous order, the status conference was reset for September 24, 2024, with an

1 exclusion of time, under Local Code T4.

2 5. By previous order, the status conference was reset for October 22, 2024, with an
3 exclusion of time, under Local Code T4

4 6. On stipulation, the Government and Defense Counsel move to continue the status
5 conference until February 3, 2025.

6 7. The Government and Defense Counsel stipulate to exclude time between October 22,
7 2024, and February 3, 2025, under Local Code T4.

8 8. The Government and Defense Counsel agree and stipulate, and request that the Court find
9 the following:

10 a) The discovery associated with this case includes law enforcement reports, lab
11 reports, search warrants, and photographs. Disclosure of these items were made to Defense
12 Counsel. There is a telephone that was seized from Defendant at the time of arrest that was
13 downloaded and is being made available to the defense. Further, information regarding consent
14 to search the phone will be present on body worn camera footage from that time, if any. The
15 government is investigating whether such footage exists so that the defense can investigate
16 consent.

17 b) Defense Counsel desires additional time to consult with his client, to review
18 discovery for this matter, and to otherwise prepare for trial.

19 c) Defense Counsel believes that failure to grant the above-requested continuance
20 would deny him the reasonable time necessary for effective preparation, taking into account the
21 exercise of due diligence.

22 d) The Government does not object to the continuance.

23 e) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the Defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which trial must commence, the time period of October 22, 2024, to February 3,
28 2025 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code

T4] because it results from a continuance granted by the Court at Defense Counsel's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

9. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 17, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Kerry Blackburn
Kerry Blackburn
Assistant United States Attorney

Dated: October 17, 2024

/s/ Preciliano Martinez
PRECILIANO MARTINEZ
Counsel for Defendant
ALBERTO GARIBAY

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference currently scheduled for October 22, 2024, is continued to February 3, 2025, at 9:30 a.m. and time is excluded between October 22, 2024, and February 3, 2025, under Local Code T4.

IT IS SO ORDERED.

Dated: October 17, 2024

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE